

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF FM 969 ROAD AND DECKER LANE, REZONING AND CHANGING THE ZONING MAP FROM DEVELOPMENT RESERVE (DR) DISTRICT AND INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND INDUSTRIAL PARK-CONDITIONAL OVERLAY (IP-CO) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-2007-0101, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district and interim rural residence (I-RR) district to community commercial-conditional overlay (GR-CO) combining district.

A 5.022 acre tract of land, more or less, being a portion of an 18.56 acre tract of land out of the Phillip McElroy League Survey No. 18, the 18.56 acre tract of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and interim rural residence (I-RR) district to industrial park-conditional overlay (IP-CO) combining district.

A 13.541 acre tract of land, more or less, being a portion of an 18.56 acre tract of land out of the Phillip McElroy League Survey No. 18, the 18.56 acre tract of land being more particularly described by metes and bounds in Exhibits "A" and "B" incorporated into this ordinance (the "Property"),

locally known as the property located at FM 969 Road and Decker Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

1 **PART 2.** The Property within the boundaries of the conditional overlay combining district
2 established by this ordinance is subject to the following conditions:

- 3
4 1. A site plan or building permit for the Property may not be approved, released,
5 or issued, if the completed development or uses of the Property, considered
6 cumulatively with all existing or previously authorized development and uses,
7 generate traffic that exceeds 2,000 trips per day.
8
9 2. A general warehousing and distribution use is a prohibited use of Tract Two.

10
11 Except as specifically restricted under this ordinance, the Property may be developed and
12 used in accordance with the regulations established for the respective base districts, and
13 other applicable requirements of the City Code.
14

15 **PART 3.** This ordinance takes effect on _____, 2007.

16
17
18 **PASSED AND APPROVED**

19
20 §
21 §
22 _____, 2007 § _____
23 Will Wynn
24 Mayor
25
26

27 **APPROVED:** _____ **ATTEST:** _____
28 David Allan Smith Shirley A. Gentry
29 City Attorney City Clerk

ATX SURVEY COMPANY
SURVEYING AND MAPPING
1000 NORTH CUERNAVACA DRIVE
AUSTIN, TEXAS 78733

June 14, 2007

18.56 ACRES

Being a tract of land out of the PHILLIP McELROY LEAGUE SURVEY No. 18, in Travis County, Texas, being a portion of that certain 20.426 acres conveyed to Arthur Gene Howard in Deed recorded in Volume 3774, Page 1691, Deed Records, Travis County, Texas; SAVE AND EXCEPT that certain 0.778 of an acre conveyed to the State of Texas in Deed recorded in Volume 3936, Page 307, Deed Records, Travis County, Texas and that certain 1.084 acre tract conveyed in Deed recorded in Volume 10431, Page 73, Real Property Records, Travis County, Texas.

BEGINNING at a ½ inch iron rod found in the northeasterly right of way of Decker Lane, from which a TXDOT concrete highway monument at the northeast cutback line of the intersection of FM 969 and Decker Lane bears (S 27°49'51" W 703.24 Feet) set rod also being POINT OF BEGINNING and the Northwestern corner of herein described tract and the southwesterly corner of a called 0.959 acre tract out of a 1.00 acre tract described in deed to A.K. Nelson recorded in volume 858, page 22, Deed Records of Travis County Texas;

THENCE, with the southwesterly line of said Nelson tract and the northeasterly line of herein described tract, S-62°49'32" E 980.47 feet to a ½ inch iron rod found at the southeast corner of said Nelson tract and the northeast corner of a called 7.58 acre tract Texas Department of Highways and Public Transportation;

THENCE, S 27°25'56" W 901.77 feet to a ½ inch iron rod with ATX cap set at the northeast corner of the Joe Allen Subdivision recorded in volume 53, page 89 of the plat records Travis County, Texas;

THENCE, with the northeast line of said Joe Allen Subdivision N 60°55'29" W 720.45 feet to a 5/8 inch iron rod found in the northeasterly right-of-way line of FM 969;

THENCE, with the northeasterly right-of-way of FM 969 and a curve to the left, having a radius of 1807.89 feet, are length of 91.56 feet and a chord length which runs N-39°53'51" W 91.55 feet to a ½ inch iron rod with ATX cap set at the southeast corner of said 1.084 acre tract;

THENCE, with easterly line of said 1.084 acre tract N 30°19'56" E 290.65 feet to a ½ inch iron rod with ATX cap set;

EXHIBIT A

PHONE — 512-442-0377
FAX — 512-442-7807

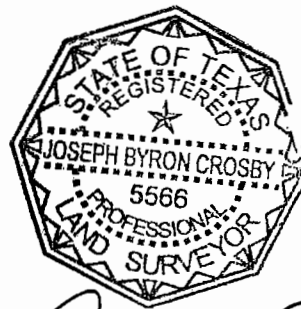
THENCE, with the northerly line of said 1.084 acre tract N 60°40'51" W 194.43 to a ½ inch iron rod with ATX cap set in the northeasterly right-of-way of Decker Lane;

THENCE, with the northeasterly right-of-way of Decker Lane N 27°49'51" E 544.69 feet to the **POINT OF BEGINNING** containing 18.56 acres more or less.

Bearing Basis Based on Geodetic Observation Zone 3 Texas Central 4203.

I, Joseph P. Crosby, a Texas registered professional surveyor, No. 5566 do hereby certify that I have made a Survey on the ground of the property legally described hereon, and that the survey is correct to the best of my knowledge and that there are no discrepancies, boundary line conflicts or encroachments, except as shown hereon, and that there are no visible utility lines or roads in place except as shown hereon and said property has access to and from a dedicated roadway except as shown hereon.

Surveyed: June 14, 2007



Joe B Crosby

LINE	LENGTH	BEARING
L1	105.36	S02°05'16"E
L2	113.99	S25°48'59"W
L3	158.51	S27°49'52"W

CURVE	RADIUS	DELTA	LENGTH	TANGENT	BEARING	CHORD
C1	1807.89	2°54'06"	91.56	45.79	N39°53'51"W	91.55
C2	1807.89	4°20'28"	136.98	68.52	N42°43'14"W	136.94

- LEGEND**
- = 1/2" IRON ROD FOUND
 - = 1/2" IRON ROD SET
 - = CONCRETE TROOT MON FOUND
 - = CHAIN LINK FENCE
 - +— = BARBED WIRE FENCE
 - x— = OVERHEAD ELECTRICAL
 - ⊥ = POWER POLE
- (RECORD INFO IN PARENTHESIS)

A.G. HOWARD SURVEY - 18.56 ACRES

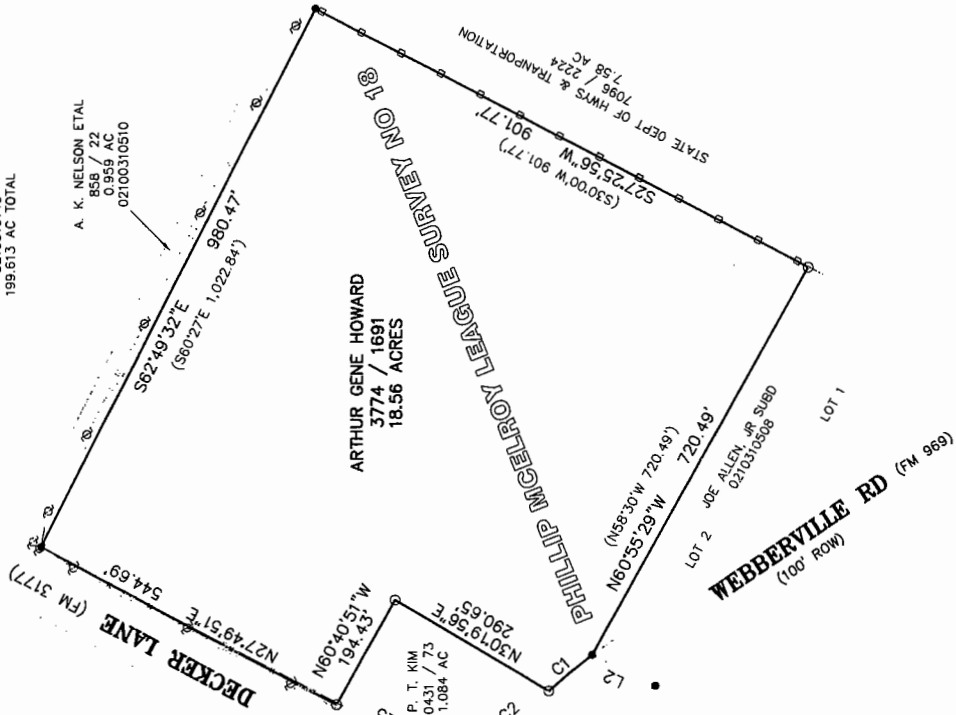
DATE: JUNE 19, 2007

BAKER HUGHES OILFIELD OPERATIONS
8054 / 741
(114.14 AC)
D210310140
199.613 AC TOTAL

PLINEY FISK, III
9715 / 838
18.0 AC
D210310101

A. K. NELSON ETAL
858 / 22
0.959 AC
D2100310510

A. K. NELSON, JR
3605 / 1891
2.606 AC



G.F. NO. 0707832-COM INDEPENDENCE TITLE COMPANY

BEARING BASIS BASED ON GEODETIC OBSERVATION ZONE 3 TEXAS CENTRAL 4203

LEGAL DESCRIPTION:
BEING A TRACT OF LAND OUT OF THE PHILLIP MCELROY LEAGUE SURVEY NO. 18, AND BEING A PORTION OF THAT CERTAIN 20.426 ACRES CONVEYED TO ARTHUR GENE HOWARD IN DEED RECORDED IN VOLUME 3774, PAGE 1891 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 0.778 OF AN ACRE CONVEYED TO THE STATE OF TEXAS IN DEED RECORDED IN VOLUME 3538, PAGE 307 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND THAT CERTAIN 0.084 ACRE TRACT CONVEYED IN DEED RECORDED IN VOLUME 10431, PAGE 75 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

TO THE OWNER AND INDEPENDENCE TITLE COMPANY:
THIS IS TO CERTIFY THAT A SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED AS FOLLOWS: BEING 18.56 ACRES BELONGING TO ARTHUR GENE HOWARD IN TRAVIS COUNTY, TEXAS, ACCORDING TO DEED OF RECORD IN VOLUME 3774, PAGE 1891, DEED RECORDS OF TRAVIS COUNTY, TEXAS.

ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48021C0025 C, DATED AUGUST 19, 1991. THE TRACT SURVEYED HEREON IS WITHIN ZONE "X" (AREAS INDICATED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN).

I, JOSEPH P. CROSBY, A TEXAS REGISTERED PROFESSIONAL SURVEYOR, NO. 5566 DO HEREBY CERTIFY THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THERE ARE NO DISCREPANCIES, BOUNDARY LINE CONFLICTS OR ENCROACHMENTS, EXCEPT AS SHOWN HEREON, AND THAT THERE ARE NO VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY EXCEPT AS SHOWN HEREON.

SURVEYED: JUNE 14, 2007



BY: *Joe P. Crosby*
JOSEPH P. CROSBY, R.P.L.S. NO. 5566

JOB NUMBER: s-07-017 Howard 18 Acres

ADDRESS: FM 969 & DECKER LANE, AUSTIN, TRAVIS COUNTY, TEXAS

CLIENT: ARTHUR GENE HOWARD



ATX Land Surveying and Mapping
10000 CANTERBURY LANE, SUITE 100, AUSTIN, TEXAS 78758
PH (512) 448-0877 FAX (512) 448-7807

EXHIBIT A-1

EXHIBIT SHOWING A 5.0 ACRE PORTION AND A 13.56 ACRE PORTION OF 18.56 ACRE TRACT FOR PROPOSED ZONING

ADDRESS: FM 969 & DECKER LANE, AUSTIN, TRAVIS
COUNTY, TEXAS

DATE: JUNE 26, 2007 BAKER HUGHES OILFIELD OPERATIONS
8054 / 741
(114.14 AC)
0210310140
199.613 AC TOTAL

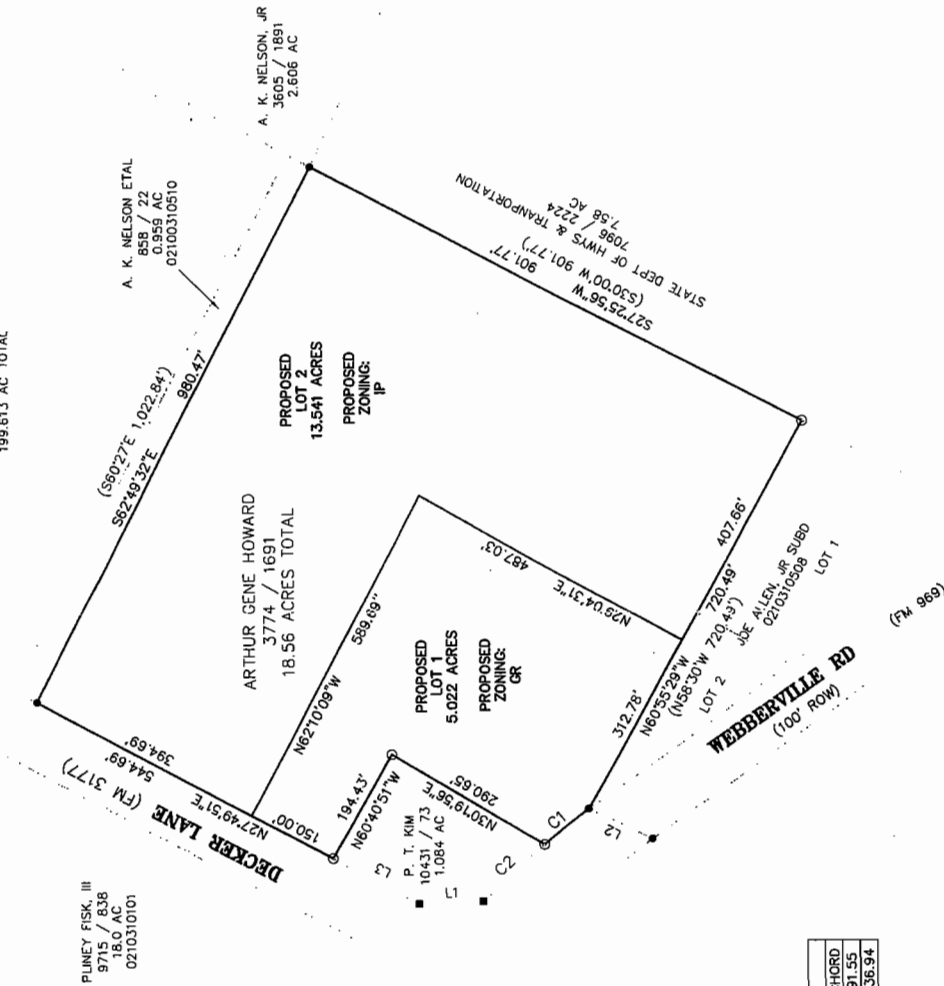
PUNNEY FISK, III
9715 / 836
18.0 AC
0210310101

SCALE:
1" = 200'

LEGEND

- = 1/2" IRON ROD FOUND
- = 1/2" IRON ROD SET
- = CONCRETE TxDOT MON FOUND
- = CHAIN LINK FENCE
- = BARBED WIRE FENCE
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(RECORD INFO IN PARENTHESES)



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JOB NUMBER: s-07-017 Howard 18 Acres

EXHIBIT B

